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10/585,846	05/09/2007	Naoki Tanaka	2006_1060A	1638
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WENDEROTH, LIND & PONACK L.L.P.			RIEGLER, PATRICK F	
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Suite 400 East			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/585,846	TANAKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	PATRICK F. RIEGLER	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 May 2007.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>05/09/2007 and 07/12/2006</u>	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. This communication is in response to Application No. 10/585,846 filed 07/12/2006, which is the national stage entry of PCT/JP05/00242 filed 01/12/2005, which claims priority to Japanese Application No. 2004-007685, filed 01/15/2004 claims 1-19 have been examined.

### ***Specification***

2. Regarding claim 19, the specification is objected to as failing to provide proper antecedent basis for the claimed subject matter (e.g. *computer-readable recording medium*). See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction is required.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18 and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 18, “A program” as claimed is a data structure not embodied in a statutory form of computer-readable media which is software per se and non-statutory subject matter.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Regarding claim 1, line 2 recites "*plural types*" which is unclear. Lines 10-11, recite "*an other image file*" which is unclear. Line 13 recites "*an other type*" which is unclear.

Regarding claim 2, lines 4, 9, and 10, there is an unclear use of the term "*where*" that can be interpreted as "*location*". Lines 6-7 recite "...*operable to display, into alignment corresponding to a location...*" is unclear.

Regarding claim 3, line 4, there is an unclear use of the term "*where*" that can be interpreted as "*location*".

Regarding claim 7, line 13 recites “*...update the targeted page index by corresponding to the new targeted page...*” is unclear.

Regarding claim 8, line 3 recites “*...display a process of the update...*” is unclear.

Regarding claim 9, lines 11-12 recite “*...after being moved point a type...*” is unclear.

Regarding claim 10, lines 2-3 recite “*...display a process of the update...*” is unclear.

Regarding claim 17, lines 2-3 recites “*plural types*” which is unclear. Lines 10 and 12 recite “*an other image file*” which is unclear.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-15 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Anthony et al. (US 2005/0091596 A1, hereinafter referred to as "Anthony").

Regarding claim 1, Anthony discloses an image file list display device that displays on a screen a list of a plurality of image files classified by a series of plural types,

    said image file list display device comprising a scaled-down image display unit operable to display each of the plurality of image files as a scaled-down image which is an image scaled down from an image indicated by each image file. More specifically, a three-dimensional (3D) view of a data collection based on an attribute is disclosed (Anthony, abstract). a thumbnail typically refers to a representation of the contents of a file encapsulated in an icon or other image of a size smaller than the original image size that is displayed in a file listing environment (Anthony, [0006]).

    wherein said scaled-down image display unit is operable to position and display a scaled-down image corresponding to an image file that belongs to a targeted type on a targeted page. More specifically, the ordering attribute may be based on time, thus arranging the items chronologically, e.g., by using a date of creation or date of edit attribute as the ordering attribute. Items may be grouped in chronological order in a logical timeline in such a way as to allow a user to easily navigate and locate items. The items may then be presented to the user in a way that reflects this timeline. Such a presentation to the user is herein

referred to herein as a "dynamic timeline view." An illustrative embodiment of a dynamic timeline view is shown in FIG. 4 (Anthony, [0042]).

and to position and display a scaled-down image corresponding to an other image file that belongs to the targeted type or a scaled-down image corresponding to an image file that belongs to an other type lying adjacent to the targeted type, on an untargeted page having a smaller display area than the targeted page. More specifically, when a group is not at the focal point (i.e. is not the focal group), it is a non-focal group. Generally, a non-focal group will have certain properties associated with it. For example, in an embodiment where the view is presented with a 3D effect, the non-focal groups will be presented in such a way as to highlight the three dimensions (Anthony, [0065]).

Regarding claim 2, Anthony teaches the image file list display device according to claim 1, further comprising a classification type display unit operable to display a type where an image file corresponding to a scaled-down image displayed by said scaled-down image display unit belongs to (Anthony, [0067], Fig. 6, item 608).

wherein said classification type display unit is operable to display, into alignment corresponding to a location of the targeted page and a location of the untargeted page on the screen, the type where the image file corresponding to the scaled-down image displayed on the targeted page belongs to and the type where the image file corresponding to the scaled-down image displayed on the untargeted page belongs to (Anthony, [0067], Fig. 6, item 610).

Regarding claim 3, Anthony teaches the image file list display device according to claim 2, wherein said scaled-down image display unit is operable to display the targeted page and the untargeted page in a row so that the type where the image file corresponding to the scaled-down image positioned on each page belongs to is aligned in an order of the series of plural types (Anthony, [0067], Fig. 6, 8a, and 8b).

Regarding claim 4, Anthony teaches the image file list display device according to claim 3, wherein, in the case where scaled-down images corresponding to image files belonging to a same type are positioned on a plurality of pages, said classification type display unit is operable to display the type corresponding to the pages in an area having size corresponding to the number of the pages (Anthony, [0048], Fig. 6, 7, and 12b).

Regarding claim 5, Anthony teaches the image file list display device according to claim 3, wherein said scaled-down image display unit is operable to gradually condense and display the untargeted page according to a distance between the type corresponding to the target page and the type corresponding to the untargeted page in alignment of the series of plural types (Anthony, Fig. 4, 6, 8a, 8b, 12a and 12b).

Regarding claim 6, Anthony teaches the image file list display device according to claim 3, wherein said classification type display unit is further operable to display a targeted page index explicitly indicating a type corresponding to the targeted page from among the types displayed (Anthony, Fig. 13 and 14).

Regarding claim 7, Anthony teaches the image file list display device according to claim 6, further comprising a deciding unit operable to acquire point designation on the screen and decide whether the acquired point belongs to the untargeted page or not, wherein said scaled-down image display unit is operable to update the targeted page with an untargeted page when said deciding unit decides the point belongs to the untargeted page, change the current targeted page to an untargeted page, and display the untargeted page, and said classification type display unit is operable, when a new targeted page is displayed by said scaled-down image display unit, to update the targeted page index by corresponding to the new targeted page, and display the updated targeted page index (Anthony, [0059]-[0060], [0079]).

Regarding claim 8, Anthony teaches the image file list display device according to claim 7, wherein said scaled-down image display unit and said classification type display unit are operable to display a process of the update with a moving image (Anthony, [0059]-[0060]).

Regarding claim 9, Anthony teaches the image file list display device according to claim 6, wherein said classification type display unit is operable to align the types corresponding to the targeted page and the untargeted page in a row, and display the types, said image file list display device further comprises a slider display unit operable to display a slider image having a tab, which moves in parallel with the alignment of the types according to a user's operation, and wherein, in the case where the tab of the slider image is moved, said scaled-down image display unit is operable to update and display the targeted page to have the tab after being moved point a type of the targeted page (Anthony, [0081]).

Regarding claim 10, Anthony teaches the image file list display device according to claim 9, wherein said scaled-down image display unit is operable to display a process of the update with a moving image (Anthony, [0059]-[0060], [0081]).

Regarding claim 11, Anthony teaches the image file list display device according to claim 5, wherein said scaled-down image display unit is operable to display, in the targeted page and the untargeted page, information indicating attribute information of each scaled-down image, and to display the information indicating attribute information even when the untargeted page is condensed and displayed (Anthony, Fig. 4, 6, 8a, 8b, 12a and 12b).

Regarding claim 12, Anthony teaches the image file list display device according to claim 3, wherein, in the case where scaled-down images corresponding to image files belonging to a same type are positioned on a plurality of pages, said scaled-down image display unit is operable to display a header indicating the type on a first page of the plurality of pages (Anthony, [0067], Fig. 4, 6, 8a, 8b, 12a and 12b).

Regarding claim 13, Anthony teaches the image file list display device according to claim 1, wherein said scaled-down image display unit is operable to position, in virtual three-dimensional space, the targeted page and the untargeted page where the scaled-down images are positioned, and to display a projection view acquired when the targeted page and the untargeted page are viewed from a certain view point (Anthony, Fig. 4, 5, 6, 8a, 8b, 10a, 10b, 10c, 11, 12a and 12b).

Regarding claim 14 Anthony teaches the image file list display device according to claim 13, wherein said scaled-down image display unit is operable to position the targeted page and the untargeted page in virtual three-dimensional space so that the targeted page is in parallel with the screen and the untargeted page diagonally intersects the screen (Anthony, Fig. 4, 5, 6, 8a, 8b, 10a, 10b, 10c, 11, 12a and 12b).

Regarding claim 15, Anthony teaches the image file list display device according to claim 14, wherein said scaled-down image display unit is operable to position

untargeted pages in virtual three-dimensional space in a way that an untargeted page closer to the targeted page among the untargeted pages comes closer to being in parallel with the screen (Anthony, Fig. 4, 5, 6, 8a, 8b, 10a, 10b, 10c, 11, 12a and 12b).

Regarding claim 17, Anthony teaches an image file list display method for displaying on a screen a list of a plurality of image files classified by a series of plural types, said image file list display method comprising

a scaled-down image display step of displaying each of the plurality of image files as a scaled-down image which is an image scaled down from an image indicated by each image file. More specifically, a three-dimensional (3D) view of a data collection based on an attribute is disclosed (Anthony, abstract). a thumbnail typically refers to a representation of the contents of a file encapsulated in an icon or other image of a size smaller than the original image size that is displayed in a file listing environment (Anthony, [0006]).

wherein, in said scaled-down image display step, a scaled-down image corresponding to the image file that belongs to a targeted type is positioned and displayed on a targeted page. More specifically, the ordering attribute may be based on time, thus arranging the items chronologically, e.g., by using a date of creation or date of edit attribute as the ordering attribute. Items may be grouped in chronological order in a logical timeline in such a way as to allow a user to easily navigate and locate items. The items may then be presented to the user in a way that reflects this timeline. Such a presentation to the user is herein referred

to herein as a "dynamic timeline view." An illustrative embodiment of a dynamic timeline view is shown in FIG. 4 (Anthony, [0042]).

and a scaled-down image corresponding to an other image file that belongs to the targeted type or a scaled-down image corresponding to an image file that belongs to an other image file belonging to other type lying adjacent to the targeted type is positioned and displayed, on an untargeted page having a smaller area than the targeted page. More specifically, when a group is not at the focal point (i.e. is not the focal group), it is a non-focal group. Generally, a non-focal group will have certain properties associated with it. For example, in an embodiment where the view is presented with a 3D effect, the non-focal groups will be presented in such a way as to highlight the three dimensions (Anthony, [0065]).

Regarding claim 18, this claim states a program for an image file list display device that displays on a screen a list of a plurality of image files classified by a series of plural types, said program causing a computer to execute the step included in the image file list display method according to claim 17, thus the same rationale of rejection is applicable.

Regarding claim 19, this claim states a computer-readable recording medium in which a program is recorded for an image file list display device that displays on a screen a list of a plurality of image files classified by a series of plural types,

wherein the program according to claim 18 is recorded, thus the same rationale of rejection is applicable.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony as applied to claim 1 above, and further in view of Moore et al. (US 7,409,644 B2, hereinafter referred to as “Moore”)

Regarding claim 16, Anthony teaches the image file list display device according to claim 1, however may not explicitly teach

an image display device that displays an image indicated by an image file selected from a plurality of image files classified by a series of plural types, said image display device comprising:

a selection instruction acquiring unit operable to acquire a selection instruction of a user for a scaled-down image displayed by said image file list display device; and

an image display unit operable to display an image indicated by an image file corresponding to the selected scaled-down image.

Moore discloses a file system shell is provided. One aspect of the shell provides virtual folders which expose regular files and folders to users in different views based on their metadata instead of the actual physical underlying file system structure on the disk (Moore, abstract). A user can select any one of the thumbnail images, which will cause a larger preview image of the user thumbnail selection image to be displayed within the preview control area (Moore, col 38, line 61-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made given the teachings of Anthony and Moore that a device for displaying reduced scaled images based upon different attributes or types of classifications would include the function of selecting the scaled images in order to display a full sized image, would be readily apparent. With both Anthony and Moore disclosing organizing items based on different attributes and with Moore further disclosing actual selection of a thumbnail to view a larger version, one of ordinary skill in the art of implementing a device for displaying reduced scaled images based upon different attributes or types of classifications would include the function of selecting the scaled images in order to display a full sized image in order to function like a typical file shell browser. One would therefore be motivated to combine these teachings as in doing so would create this a device for displaying reduced scaled images based upon different attributes or types of classifications

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK F. RIEGLER whose telephone number is (571)270-3625. The examiner can normally be reached on Mon-Fri, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571)272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick F Riegler/  
Examiner, Art Unit 2173

/Kieu Vu/  
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